

1 By Herman

B. No. 1482

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3
4 A BILL TO BE ENTITLED

5
6 AN ACT

*amending (a) and as
(c), Section 15; amend
Section 19;*

7
8 relating to the regulation of the fitting and dispensing of
9 hearing aids and the Texas Board of Examiners in the Fitting and
10 Dispensing of Hearing Aids; amending Subsections (a), (b), (e),
11 (f), and (i), Section 12; ~~and~~ Subsection (a), Section 13; Chap-
12 ter 366, Acts of the 61st Legislature, Regular Session, 1969
13 (Articles 4566-1.12, ~~and~~ 4566-1.13, Vernon's Texas Civil Statutes);
14 and declaring an emergency. *4566-1.15, 4566-1.19,*

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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18 Section 1. Subsections (a), (b), (e), (f), and (i), Sec-
19 tion 12, Chapter 366, Acts of the 61st Legislature, Regular Ses-
20 sion, 1969 (Article 4566-1.12, Vernon's Texas Civil Statutes),
21 are amended to read as follows:

22 "(a) The Board shall charge a fee of \$25.00 for issuing a
23 temporary training permit, which fee must accompany the applica-
24 tion for a temporary training permit.

25 "(b) The Board shall charge a fee of \$35.00 for examining
26 an applicant for a license, which fee must accompany the applica-
27 tion."

28 "(e) The Secretary-Treasurer of the Board shall, on or
29 before the 10th day of each month, remit to the State Treasurer
30 all of the fees collected by the Board during the preceding month
31 for deposit in a separate fund to be designated as the State
32 Board of Examiners in the Fitting and Dispensing of Hearing Aids
33 Fund.

34 "(f) The compensation and travel expenses allowance for
35 members of the Board and its employees shall be provided in the
36 General Appropriations Act. The executive director of the Board
37 shall be allowed his actual expenses incurred while traveling on
38 official business for the Board."

39 "(i) The total appropriations to the Board shall never
40 exceed the amount of fees estimated by the State Comptroller of
41 Public Accounts that will be collected by the Board during the
42 period for which the appropriations are made and any surplus sums
43 on deposit in the State Board of Examiners in the Fitting and
44 Dispensing of Hearing Aids Fund. Any funds appropriated and
45 unexpended within the period for which the same were appropriated
46 shall remain in the State Board of Examiners in the Fitting and
47 Dispensing of Hearing Aids Fund."

48 Sec. 2. Subsection (a), Section 13, Chapter 366, Acts of
49 the 61st Legislature, Regular Session, 1969 (Article 4566-1.13,
50 Vernon's Texas Civil Statutes), is amended to read as follows:

51 "(a) On or before the first day of January, 1972, every
52 licensee under this Act shall pay to the Secretary-Treasurer of
53 the Board an annual renewal fee of \$67.50 for the renewal of his
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1 license to fit and dispense hearing aids for the year 1972. On
2 or before the first day of January, 1973, and every year there-
3 after, every licensee under this Act shall pay to the Secretary-
4 Treasurer of the Board an annual renewal fee of \$75.00 for
5 renewal of his license to fit and dispense hearing aids for the
6 current year. On receipt of said renewal fee, the Board shall
7 issue an annual renewal certificate bearing the number of his
8 license, the year for which it is renewed, and such other infor-
9 mation from the records of the Board as the Board may deem nec-
10 essary for the proper enforcement of this Act."
11 *Insert* *Sec. 8.* The importance of this legislation and the crowded
12 condition of the calendars in both houses create an emergency and
13 an imperative public necessity that the Constitutional Rule
14 requiring bills to be read on three several days in each house be
15 suspended, and this Rule is hereby suspended, and that this Act
16 take effect and be in force from and after its passage, and it is
17 so enacted.
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2#3196

FORM A
(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 4/19/71

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives

Sir:

We, your Committee on Governmental Affairs and Efficiency to whom was referred H. B No. 1482, have had the same under consideration

and beg to report back with recommendation that it { do } pass, and be printed

The Bill was reported from Committee by the following vote:

Unanimous voice vote

Majority voice vote

Vote of ayes and nays.

Wm L. Smith
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

1 By: Sherman

2 (In the House. --Filed March 11, 1971; March 25, 1971, read first time
3 and referred to Committee on Governmental Affairs and Efficiency: April 20,
4 1971, reported favorably, by majority voice vote, sent to Printer.)

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7 A BILL
8 TO BE ENTITLED

9 AN ACT relating to the regulation of the fitting and dispensing of
10 hearing aids and the Texas Board of Examiners in the
11 Fitting and Dispensing of Hearing Aids; amending Sub-
12 sections (a), (b), (e), (f), and (i), Section 12, and Sub-
13 section (a), Section 13, Chapter 366, Acts of the 61st
14 Legislature, Regular Session, 1969 (Articles 4566-1.12
15 and 4566-1.13, Vernon's Texas Civil Statutes); and
16 declaring an emergency.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

18 Section 1. Subsections (a), (b), (e), (f), and (i), Section 12, Chapter 366,
19 Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.12,
20 Vernon's Texas Civil Statutes), are amended to read as follows:

21 "(a) The Board shall charge a fee of [~~\$10.00~~] \$25.00 for issuing a
22 temporary training permit, which fee must accompany the application for
23 a temporary training permit.

24 "(b) The Board shall charge a fee of [~~\$25.00~~] \$35.00 for examining an
25 applicant for a license, which fee must accompany the application."

26 "(e) The Secretary-Treasurer of the Board shall, on or before the 10th day
27 of each month, remit to the State Treasurer all of the fees collected by the
28 Board during the preceding month for deposit in a separate fund to be
29 designated as the State Board of Examiners in the Fitting and Dispensing of
30 Hearing Aids Fund. [~~the general fund.~~]

31 "(f) The compensation and travel expenses allowance for members of the
32 Board and its employees shall be provided in the General Appropriations Act.
33 The executive director of the Board shall be allowed his actual expenses
34 incurred while traveling on official business for the Board."

35 (1) [After the Act has been effective for a period of two years,]
36 "[t] The total appropriations to the Board shall never exceed the [total]
37 amount of fees estimated by the State Comptroller of Public Accounts that will
38 be collected by the Board during the period for which the appropriations are
39 made and any surplus sums on deposit in the State Board of Examiners in the
40 Fitting and Dispensing of Hearing Aids Fund. Any funds appropriated and
41 unexpended within the period for which the same were appropriated shall
42 remain in the State Board of Examiners in the Fitting and Dispensing of
43 Hearing Aids Fund." [~~received for all fees collected for the two-year period~~
44 ~~immediately prior to such appropriation.~~]

45 Sec. 2. Subsection (a), Section 13, Chapter 366, Acts of the 61st Legislature,
46 Regular Session, 1969 (Article 4566-1.13, Vernon's Texas Civil Statutes), is
47 amended to read as follows:

48 "(a) On or before the first day of January, 1972, [of each year,] every
49 licensee under this Act shall pay to the Secretary-Treasurer of the Board
50 an annual renewal fee of [~~\$50.00~~] \$67.50 for the renewal of his license to
51 fit and dispense hearing aids for the year 1972 [current year]. On or
52 before the first day of January, 1973, and every year thereafter, every
53 licensee under this Act shall pay to the Secretary-Treasurer of the Board an
54 annual renewal fee of \$75.00 for renewal of his license to fit and dispense
55 hearing aids for the current year. On receipt of said renewal fee, the Board
56 shall issue an annual renewal certificate bearing the number of his license,
57 the year for which it is renewed, and such other information from the records
58 of the Board as the Board may deem necessary for the proper enforcement of
59 this Act."

60 Sec. 3. The importance of this legislation and the crowded condition of the

1 calendars in both houses create an emergency and an imperative public
2 necessity that the Constitutional Rule requiring bills to be read on three
3 several days in each house be suspended, and this Rule is hereby
4 suspended, and that this Act take effect and be in force from and after
5 its passage, and it is so enacted.

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7 COMMITTEE REPORT

8 COMMITTEE ROOM

9 Austin, Texas, April 19, 1971

10 Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

11 SIR: We, your Committee on Governmental Affairs and Efficiency, to
12 whom was referred H. B. No. 1482, have had the same under consideration
13 and beg to report back with recommendation that it do pass, and be printed.

14 Will L. Smith, Chairman

15 BILL ANALYSIS

16 Background Information:

17 This Bill amends Art. 4566, Subsections 1, 12 and 1.13, increasing
18 fees charged by the Texas Board of Examiners in the Fitting and Dispensing
19 of Hearing Aids and providing such money collected be placed in a special
20 fund to operate the Board.

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22 What the Bill Proposes to Do:

23 Increases fees and provide such fees be used to fund the operations
24 of the Board.

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26 Section by Section Analysis:

27 Section 1. Amends Art. 4566-1.12, V. T. C. S., by increasing the
28 temporary training permit fee from \$10.00 to \$25.00 and increases the
29 examination for license fee from \$25.00 to \$35.00. This section also
30 provides that all fees collected by the Board are to go to a special fund
31 known as the State Board of Examiners in the Fitting and Dispensing of
32 Hearing Aids Fund and that unexpended, appropriated money is to remain
33 in the fund.

34 Sec. 2. Amends Art. 4566-1.13, V. T. C. S., increasing the annual
35 renewal fee from \$50.00 to \$67.50 in 1972 and increases such fee to
36 \$75.00 thereafter.

37 Sec. 3. Emergency Clause.

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39 Summary of Committee Action:

40 Reported from Committee by a majority voice vote.

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MAY 24 1971

DATE _____

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

PAID
J.H.

H.B. 1482

Floor Amendment No. 1

BY Stewart

Amend H.B. No. 1482, Second Printing, by renumbering
Section 3 and adding a new Section 3 to read as follows:

Insert
① → Sec. 3. Subsection (a), Section 15, Chapter 366, Acts
of the 61st Legislature, Regular Session, 1969 (Article 4566-1.15,
Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) It is unlawful for any person to:

"(1) Buy, sell, or fraudulently obtain a license to fit
and dispense hearing aids or aid or abet therein;

"(2) Alter a license to fit and dispense hearing aids with
the intent to defraud;

"(3) Willfully make a false statement in an application to
the Texas Board of Examiners of Fitters and Dispensers of Hearing
Aids for a license, a temporary training permit or for the renewal
of a license;

"(4) Falsely impersonate any person duly licensed as a
fitter and dispenser of hearing aids under the provisions of this
Act;

"(5) Offer or hold himself out as authorized to fit and
dispense hearing aids, or use in connection with his name any
designation tending to imply that he is authorized to engage in
the fitting and dispensing of hearing aids, if not so licensed
under the provisions of this Act;

"(6) ~~Engage~~ in the fitting and dispensing of hearing aids during the time his license shall be cancelled, suspended or revoked.

"(7) ^V~~Before~~ any sale of a hearing aid shall be consummated, the person purchasing the hearing aid must have his hearing tested at an examination conducted in person by the licensee."

J. B. ^{5/31}

[Signature]

②

DATE MAY 24 1971

READ AND ADOPTED

Forrest Stewart
HOUSE OF REPRESENTATIVES

DATE 5/31
JB

H.B. 1482

Floor Amendment No. 2

BY Stewart

Amend H.B. NO. 1482, Second Printing, by renumbering
Section 3 and adding a new Section 4 to read as follows:

Insert ② → Sec. 4. Section 19, Chapter 366, Acts of the 61st
Legislature, Regular Session, 1969 (Article 4566-1.1⁹, Vernon's
Texas Civil Statutes), is amended to read as follows:

"Section 19. Exceptions.

"Nothing in this Act shall be construed to apply to the
following:

✓ "(1) Persons engaged in the practice of measuring human
hearing as a part of the academic curriculum of an accredited
institution of higher learning, [provided such persons or their
employees do not sell hearing aids⁷.

"(2) Persons engaged in the practice of measuring human
hearing as a part of a program conducted by a nonprofit organiza-
tion, provided such organization or its employees does not sell
hearing aids.

"(3) Physicians and surgeons duly licensed by the Texas
State Board of Medical Examiners and qualified to practice in
the State of Texas.

"(4) Persons employed and directly supervised by a physician
and surgeon to test or measure human hearing, provided such
persons do not sell hearing aids."

3

H.B. 1482

Floor Amendment No. 3

BY Stewart

Amend H.B. No. 1482, Second Printing, by renumbering
Section 3 and adding a new Section 5 to read as follows:

Insert ③ → Sec. 5. Section 15, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.15, Vernon's Texas Civil Statutes), is amended by adding a new Subsection (c) to read as follows:

"(c) It is unlawful for any licensee to:

"(1) fail to clearly disclose his name, business address, and the purpose of the communication in any telephone solicitation of potential customers;

"(2) use or purchase for use a list of names of potential customers compiled by a person by telephone other than the licensee, his authorized agent or another licensee."

MAY 24 1971

DATE _____

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

CFM
J.B. 3/31

By: Sherman

H.B. No. 1482

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the fitting and dispensing of hearing aids and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; amending Subsections (a), (b), (e), (f), and (i), Section 12; amending Subsection (a), Section 13; amending (a) and adding (e), Section 15; amending Section 19; Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Articles 4566-1.12, 4566-1.13, 4566-1.15, 4566-1.19, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsections (a), (b), (e), (f), and (i), Section 12, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.12, Vernon's Texas Civil Statutes), are amended to read as follows:

"(a) The Board shall charge a fee of \$25.00 for issuing a temporary training permit, which fee must accompany the application for a temporary training permit.

"(b) The Board shall charge a fee of \$35.00 for examining an applicant for a license, which fee must accompany the application."

"(e) The Secretary-Treasurer of the Board shall, on or before the 10th day of each month, remit to the State Treasurer all of the fees collected by the Board during the preceding month for deposit in a separate fund to be designated as the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund.

"(f) The compensation and travel expenses allowance for members of the Board and its employees shall be provided in the General Appropriations Act. The executive director of the Board shall be allowed his actual expenses incurred while traveling on official business for the Board."_____

"(1) The total appropriations to the Board shall never exceed the amount of fees estimated by the State Comptroller of Public Accounts that will be collected by the Board during the period for which the appropriations are made and any surplus sums on deposit in the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund. Any funds appropriated and unexpended within the period for which the same were appropriated shall remain in the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund."_____

Sec. 2. Subsection (a), Section 13, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.13, Vernon's Texas Civil Statutes), is amended to read as follows:_____

"(a) On or before the first day of January, 1972, every licensee under this Act shall pay to the Secretary-Treasurer of the Board an annual renewal fee of \$67.50 for the renewal of his license to fit and dispense hearing aids for the year 1972. On or before the first day of January, 1973, and every year thereafter, every licensee under this Act shall pay to the Secretary-Treasurer of the Board an annual renewal fee of \$75.00 for renewal of his license to fit and dispense hearing aids for the current year. On receipt of said renewal fee, the Board shall_____

issue an annual renewal certificate bearing the number of his license, the year for which it is renewed, and such other information from the records of the Board as the Board may deem necessary for the proper enforcement of this Act." _____

Sec. 3. Subsection (a), Section 15, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.15, Vernon's Texas Civil Statutes), is amended to read as follows: _____

"(a) It is unlawful for any person to: _____

"(1) buy, sell, or fraudulently obtain a license to fit and dispense hearing aids or aid or abet therein; _____

"(2) alter a license to fit and dispense hearing aids with the intent to defraud; _____

"(3) willfully make a false statement in an application to the Texas Board of Examiners of Fitters and Dispensers of Hearing Aids for a license, a temporary training permit or for the renewal of a license; _____

"(4) falsely impersonate any person duly licensed as a fitter and dispenser of hearing aids under the provisions of this Act; _____

"(5) offer or hold himself out as authorized to fit and dispense hearing aids, or use in connection with his name any designation tending to imply that he is authorized to engage in the fitting and dispensing of hearing aids, if not so licensed under the provisions of this Act; _____

"(6) engage in the fitting and dispensing of hearing aids during the time his license shall be cancelled, suspended or revoked. _____

"(7) before any sale of a hearing aid shall be consummated, the person purchasing the hearing aid must have his hearing tested at an examination conducted in person by the licensee." _____

Sec. 4. Section 19, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.19, Vernon's Texas Civil Statutes), is amended to read as follows: _____

"Section 19. Exceptions. _____

"Nothing in this Act shall be construed to apply to the following: _____

"(1) Persons engaged in the practice of measuring human hearing as a part of the academic curriculum of an accredited institution of higher learning, provided such persons or their employees do not sell hearing aids. _____

"(2) Persons engaged in the practice of measuring human hearing as a part of a program conducted by a nonprofit organization, provided such organization or its employees does not sell hearing aids. _____

"(3) Physicians and surgeons duly licensed by the Texas State Board of Medical Examiners and qualified to practice in the State of Texas. _____

"(4) Persons employed and directly supervised by a physician and surgeon to test or measure human hearing, provided such persons do not sell hearing aids." _____

Sec. 5. Section 15, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.15, Vernon's Texas Civil Statutes), is amended by adding a new Subsection (c) to read as follows: _____

Re

H.B. No. 1482

"(c) It is unlawful for any licensee to: _____

"(1) fail to clearly disclose his name, business address, and the purpose of the communication in any telephone solicitation of potential customers; _____

"(2) use or purchase for use a list of names of potential customers compiled by a person by telephone other than the

*Senate
Amendment
Insert* (1) → (3) _____
licensee, his authorized agent or another licensee. (u)

Sec. 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted. _____

Austin, Texas

May 26, 1971

Hon. Ben Barnes
President of the Senate

Sir:

We, your Committee on Public Health,
to which was referred H. B. No. 1482, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.

Kennard
Chairman

CAS

AMENDMENT NO. 1

By H. J. H. H.

Amend Sec. 5 of H. B. 1482 by adding at the end of quoted

subsection (c) a new subparagraph (3) to read as follows:

*Senate
Amendment
Insert ① →*

"(3) do any act which requires a license from the Texas
Optometry Board or the Texas State Board of Medical Examiners."

DR 2-31

1

ADOPTED

MAY 29 1971

Charles Schuck
SECRETARY OF SENATE

Amend caption to conform to body
of bill.

ADOPTED

MAY 20 1971

Charles Schuck
SECRETARY OF SENATE

2

ENROLLED

H.B. No. 1482

AN ACT

relating to the regulation of the fitting and dispensing of hearing aids and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; amending Subsections (a), (b), (e), (f), and (i), Section 12; amending Subsection (a), Section 13; amending (a) and adding (c), Section 15; amending Section 19; Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Articles 4566-1.12, 4566-1.13, 4566-1.15, 4566-1.19, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsections (a), (b), (e), (f), and (i), Section 12, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.12, Vernon's Texas Civil Statutes), are amended to read as follows:

"(a) The Board shall charge a fee of \$25.00 for issuing a temporary training permit, which fee must accompany the application for a temporary training permit.

"(b) The Board shall charge a fee of \$35.00 for examining an applicant for a license, which fee must accompany the application."

"(e) The Secretary-Treasurer of the Board shall, on or before the 10th day of each month, remit to the State Treasurer all of the fees collected by the Board during the preceding month for deposit in a separate fund to be designated as the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund.

"(f) The compensation and travel expenses allowance for members of the Board and its employees shall be provided in the General Appropriations Act. The executive director of the Board shall be allowed his actual expenses incurred while traveling on official business for the Board."

"(i) The total appropriations to the Board shall never exceed the amount of fees estimated by the State Comptroller of Public Accounts that will be collected by the Board during the period for which the appropriations are made and any surplus sums on deposit in the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund. Any funds appropriated and unexpended within the period for which the same were appropriated shall remain in the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund."

Sec. 2. Subsection (a), Section 13, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.13, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) On or before the first day of January, 1972, every licensee under this Act shall pay to the Secretary-Treasurer of the Board an annual renewal fee of \$67.50 for the renewal of his license to fit and dispense hearing aids for the year 1972. On or before the first day of January, 1973, and every year thereafter, every licensee under this Act shall pay to the Secretary-Treasurer of the Board an annual renewal fee of \$75.00 for renewal of his license to fit and dispense hearing aids for the current year. On receipt of said renewal fee, the Board shall

issue an annual renewal certificate bearing the number of his license, the year for which it is renewed, and such other information from the records of the Board as the Board may deem necessary for the proper enforcement of this Act."

Sec. 3. Subsection (a), Section 15, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.15, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) It is unlawful for any person to:

"(1) buy, sell, or fraudulently obtain a license to fit and dispense hearing aids or aid or abet therein;

"(2) alter a license to fit and dispense hearing aids with the intent to defraud;

"(3) willfully make a false statement in an application to the Texas Board of Examiners of Fitters and Dispensers of Hearing Aids for a license, a temporary training permit or for the renewal of a license;

"(4) falsely impersonate any person duly licensed as a fitter and dispenser of hearing aids under the provisions of this Act;

"(5) offer or hold himself out as authorized to fit and dispense hearing aids, or use in connection with his name any designation tending to imply that he is authorized to engage in the fitting and dispensing of hearing aids, if not so licensed under the provisions of this Act;

"(6) engage in the fitting and dispensing of hearing aids during the time his license shall be cancelled, suspended or revoked.

"(7) before any sale of a hearing aid shall be consummated, the person purchasing the hearing aid must have his hearing tested at an examination conducted in person by the licensee."

Sec. 4. Section 19, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.19, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 19. Exceptions.

"Nothing in this Act shall be construed to apply to the following:

"(1) Persons engaged in the practice of measuring human hearing as a part of the academic curriculum of an accredited institution of higher learning, provided such persons or their employees do not sell hearing aids.

"(2) Persons engaged in the practice of measuring human hearing as a part of a program conducted by a nonprofit organization, provided such organization or its employees does not sell hearing aids.

"(3) Physicians and surgeons duly licensed by the Texas State Board of Medical Examiners and qualified to practice in the State of Texas.

"(4) Persons employed and directly supervised by a physician and surgeon to test or measure human hearing, provided such persons do not sell hearing aids."

Sec. 5. Section 15, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.15, Vernon's Texas Civil Statutes), is amended by adding a new Subsection (c) to read as follows:

"(c) It is unlawful for any licensee to:

"(1) fail to clearly disclose his name, business address, and the purpose of the communication in any telephone solicitation of potential customers;

"(2) use or purchase for use a list of names of potential customers compiled by a person by telephone other than the licensee, his authorized agent or another licensee.

"(3) do any act which requires a license from the Texas Optometry Board or the Texas State Board of Medical Examiners."

Sec. 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Lieutenant Governor
President of the Senate

Speaker of the House

I hereby certify that H.B. No. 1482 was passed by the House on May 24, 1971, by the following vote: Yeas 120, Nays 16 and 1 present not voting; and that the House concurred in Senate amendments to H.B. No. 1482 on May 30, 1971, by the following vote: Yeas 115, Nays 9.

Chief Clerk of the House

H.B. No. 1482

I hereby certify that H.B. No. 1482 was passed by the Senate,
as amended, on May 29, 1971, by the following vote: Yeas 31,
Nays 0.

Secretary of the Senate

APPROVED:

6-8-71

Date

Signed

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

4:15 PM O'CLOCK

JUN 9 1971

Secretary of State

I.B. No. 1482

By Sherman

A BILL TO BE ENTITLED

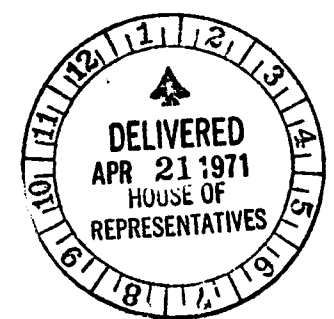
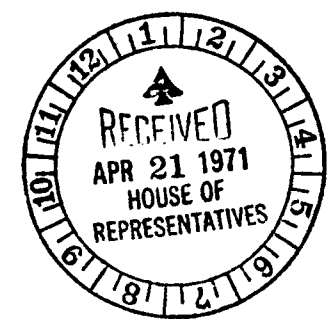
AN ACT

relating to the regulation of the fitting and dispensing of hearing aids and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids, amending Subsections (a), (b), (e), (f), and (i), Section 12, and Subsection (a), Section 13, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Articles 4566-1.12 and 4566-1.13, Vernon's Texas Civil Statutes); and declaring an emergency.

FILED **MAR 11 1971**
MAR 25 1971

READ 1st TIME
AND REFERRED TO COMMITTEE ON
Governmental Affairs
& Efficiency
Dorothy Hallman
Chief Clerk, House of Representatives

APR 20 1971 REPORTED FAVORABLY SENT TO PRINTER



PRINTED, DISTRIBUTED AND
REFERRED TO COMMITTEE ON
RULES 1:15 P.M. APR 21 1971
(Time) (Date)

MAY 24 1971

NOTICE TO SUSPEND ALL NECESSARY RULES IN
ORDER TO TAKE UP AND CONSIDER AT THIS TIME
H.B. 1482 PREVAILED BY NON-RECORD VOTE.

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 24 1971
TIME Amended READ SECOND
AND
ORDERED non-record vote ENGROSSED

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 24 1971 Constitutional
Rule requiring bills to be read on
three several days suspended by
A four-fifths vote.
Yeas 113 Nays 22

Dorothy Hallman
Chief Clerk, House of Representatives

May
MAY 24 1971

Read third time
and Passed
by following vote: yeas 120
Nays 16 - 1 present not
Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

MAY 24 1971 MOTION TO RECONSIDER THE VOTE BY
WHICH H.B. 1482 WAS
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED PASSED BY A non-record VOTE OF
YEAS AND NAYS
Dorothy Hallman
Chief Clerk, House of Representatives

MAY 24 1971 SENT TO ENGROSSED

Caption amended to conform to body of
bill under authority of Rule IV, Sec. 28
Rules of the House of Representatives.

May 24, 1921
(Date)
Oliver Duggan
(Engrossing and Enrolling
Clerk)

APPROVED:
W. C. Sherman
(Author)

17871

By: Sherman

H.B. No. 1482 ^C

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the fitting and dispensing of hearing aids and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; amending Subsections (a), (b), (e), (f), and (i), Section 12; amending Subsection (a), Section 13; amending (a) and adding (c), Section 15; amending Section 19; Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Articles 4566-1.12, 4566-1.13, 4566-1.15, 4566-1.19, Vernon's Texas Civil Statutes); and declaring an emergency. _____

- 3-11-71 Filed. _____
- 3-25-71 Read first time and referred to Committee on Governmental Affairs and Efficiency. _____
- 4-20-71 Reported favorably, sent to printer. _____
- 4-21-71 Printed, distributed and referred to Committee on Rules at 1:15 p.m. _____
- 5-24-71 Motion to suspend all necessary rules in order to take up and consider at this time House Bill No. 1482 prevailed by a non-record vote. _____
- 5-24-71 Read second time, amended and ordered engrossed by a non-record vote. _____
- 5-24-71 Constitutional Rule requiring bills to be read on three several days suspended by a four-fifths vote: Yeas 113, Nays 22. _____
- 5-24-71 Read third time and passed by the following vote: Yeas 120, Nays 16 and 1 present not voting. _____

Dorothy Hallman
Chief Clerk, H. of R.

- 5-24-71 Sent to Engrossing Clerk. _____
- 5-24-71 Engrossed. _____

Ora E. Suggs
Engrossing Clerk, H. of R.

RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAY 24 1971

MAY 24 1971 Received from the House
MAY 25 1971 Read, referred to Committee on Public Health
MAY 26 1971 Reported favorably. _____

Reported adversely, with favorable Committee Substitute; Committee Substitute
read first time.
MAY 26 1971 Ordered not printed. _____

Regular order of business suspended by
(unanimous consent.
(_____ years, _____ days.

To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ years, _____ days.
MAY 29 1971 Read second time Amended and passed to third reading.
MAY 29 1971 Caption ordered amended to conform to body of bill.
MAY 29 1971 Senate and Constitutional 3-Day Rules suspended by vote of
31 years, 0 days to place bill on third reading and final passage.
MAY 29 1971 Read third time and passed by (a viva voce vote.
(31 years, 0 days.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

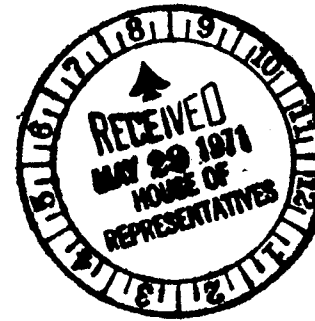
MAY 29 1971

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 29 1971 Returned to HOUSE



MAY 29 1971
MAY 30 1971

RETURNED FROM PRINTER. SENT TO SPEAKER

The House has concurred in Senate amendments
to House Bill No. 1482 by vote of 115 ayes,
9 noes.

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 30 1971

MOTION TO RECONSIDER THE VOTE BY
WHICH House concurred in Senate amendments to
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED-PASSED BY A non record VOTE OF

AYES AND NAYES
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 30 1971 SENT TO ENROLLING CLERK

MAY 31 1971
